

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

D George Sweigert,

Plaintiff,

-against-

Jason Goodman,

Defendant.

USDC SDNY
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1:18-cv-08653 (VEC) (SDA)

ORDER

STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:

Following a telephone conference with the parties, and for the reasons stated on the record, it is hereby Ordered as follows:

1. Defendant Goodman shall file his amended Answer no later than May 11, 2021. (See ECF No. 259.)
2. Defendant's motion to stay discovery (ECF No. 263) is denied. No later than May 18, 2021, Defendant Goodman shall respond to Plaintiff's discovery requests, as set forth in the Court's March 11, 2021 Order (ECF No. 224). Failure to do so will result in a recommendation to the District Judge that a default judgment be entered against him.
3. No later than May 18, 2021, Plaintiff shall either: (a) respond to Defendant's discovery requests 1(b) and 2, as set forth in the Court's February 18, 2021 Order (ECF No. 208), or (b) file a stipulation stating that he only will be pursuing claims for defamation *per se* and will not seek to prove any damages, other than nominal damages, in this case or at trial. *See, e.g., Robertson v. Doe*, No. 05-CV-07046 (LAP), 2010 WL 11527317, at *3 (S.D.N.Y. May 11, 2010), *aff'd sub nom. Robertson v. Dowbenko*, 443 F. App'x 659 (2d Cir. 2011) (even when plaintiff entitled to presumption of general damages, "substantial

compensatory damages must be founded upon a finding of substantial injury and evidence must be introduced to demonstrate that the award should be more than nominal") (internal citation and alterations omitted). Failure to do so may result in the imposition of sanctions.

4. The following briefing schedule shall apply to Defendant's anticipated dispositive motion:
 - a. Defendant's motion: June 1, 2021
 - b. Plaintiff's opposition: July 1, 2021
 - c. Defendant's reply: July 15, 2021

The Clerk of Court is respectfully requested to mail a copy of this Order to the *pro se* Defendant.

SO ORDERED.

DATED: New York, New York
 May 4, 2021



STEWART D. AARON
United States Magistrate Judge